

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:09-CV-172-FDW-DSC**

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**JOHN PARKS SIMPSON and FREDA  
SIMPSON, wife,**

**Plaintiffs,**

**v.**

**AIR LIQUIDE AMERICA, LP; CELITE  
CORPORATION; MINE SAFETY  
APPLIANCES COMPANY; PORTER  
WARNER INDUSTRIES, LLC; WESCO  
REFRACTORIES, INC. and JOHN DOE  
1-5,**

**Defendants.**

**ORDER**

**THIS MATTER** is before the Court on the Joint Motion of Plaintiffs John Parks Simpson and Freda Simpson and Defendant, Porter Warner Industries, LLC, for an order compelling Carolinas Medical Center to release any and all pathology material obtained from Plaintiff John Parks Simpson to Defense Counsel for the purpose of obtaining expert review of the material. For the reasons set forth therein, the Motion is **GRANTED**.

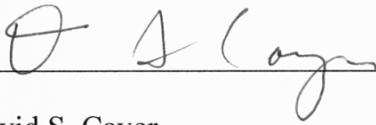
**NOW, THEREFORE**, it is **ORDERED, ADJUDGED AND DECREED THAT** Carolinas Medical Center, 1000 Blythe Blvd., Charlotte, NC 28203, as well as other locations maintained including Carolinas Medical Center – Mercy, located at 2001 Vail Avenue, Charlotte, NC 28207, release any and all pathology material to Stephanie Flynn, Esq. of the law firm Gallivan, White and Boyd, P.A., 55 Beattie Place, Suite 1200, Greenville, South Carolina , within ten (10) days of this Order.

The Clerk is directed to send copies of this Order to counsel for the parties, including but not

limited to moving counsel; and to the Honorable Frank D. Whitney.

**SO ORDERED.**

Signed: August 16, 2010

A handwritten signature in black ink, appearing to read "D. S. Cayer", is written over a horizontal line.

David S. Cayer  
United States Magistrate Judge

